

REMOVAL TO FEDERAL COURT

STATE COURT RECORD

STATE OF INDIANA

Madison County Circuit Court

48C05-2006-CT-000088

LYNDA WILKINSON

v.

WAL-MART STORES EAST, LP

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Lynda Wilkinson v. Wal-Mart Stores East, LP

Case Number	48C05-2006-CT-000088
Court	Madison Circuit Court 5
Type	CT - Civil Tort
Filed	06/10/2020
Status	06/10/2020 , Pending (active)

Parties to the Case

Defendant Wal-Mart Stores East, LP

Address

c/o CT Corporation System
334 North Senate Avenue
Indianapolis, IN 46204

Attorney

Lesley Ann Pfleging
#2685749, Lead, Retained

LEWIS & WAGNER, LLP
501 Indiana Avenue
Suite 200
Indianapolis, IN 46202
317-237-0500(W)

Attorney

Lynsey David
#3259449, Retained

501 Indiana Avenue
STE 200
Indianapolis, IN 46202
317-237-0500(W)

Plaintiff Wilkinson, Lynda

Address

1435 N. Kennard Road West
New Castle, IN 47362

Attorney

Kellie C Clark
#3099929, Retained

117 East Washington Street
Suite 200
Indianapolis, IN 46204
317-472-3333(W)

Chronological Case Summary

06/10/2020 Case Opened as a New Filing

06/11/2020 Appearance Filed

Appearance - Kellie Clark

For Party: Wilkinson, Lynda

File Stamp: 06/10/2020

06/11/2020 Complaint/Equivalent Pleading Filed

Complaint

Filed By: Wilkinson, Lynda

File Stamp: 06/10/2020

06/11/2020 Subpoena/Summons Filed

Summons - Wal-Mart

Filed By: Wilkinson, Lynda

File Stamp: 06/10/2020

06/12/2020 Certificate of Issuance of Summons

Certificate of Issuance of Summons

Filed By: Wilkinson, Lynda

File Stamp: 06/12/2020

06/19/2020 Appearance Filed

Appearance

For Party: Wal-Mart Stores East, LP

File Stamp: 06/18/2020

06/19/2020 Motion for Enlargement of Time Filed

Defendant's Motion for Enlargement of Time to File Responsive Pleading

Filed By: Wal-Mart Stores East, LP

File Stamp: 06/18/2020

06/19/2020 Jury Trial Demand Filed

Jury Demand

Filed By: Wal-Mart Stores East, LP

File Stamp: 06/18/2020

06/19/2020 Service Returned Served

green card for walmart stores east lp

Party Served: Wal-Mart Stores East, LP

06/22/2020 Order Granting Motion for Enlargement of Time

Judicial Officer: Clem, Thomas L

Order Signed: 06/19/2020

06/23/2020 Automated ENotice Issued to Parties

Order Granting Motion for Enlargement of Time ---- 6/22/2020 : Kellie C Clark;Lynsey David;Lesley Ann Pfleging

06/24/2020 Administrative Event

Comes now the Court and schedules a Pre Trial Conference for August 26, 2020 @ 1:30 p.m.

Noticed: Wilkinson, Lynda

Noticed: Wal-Mart Stores East, LP

06/24/2020 Hearing Scheduling Activity

Pretrial Conference scheduled for 08/26/2020 at 1:30 PM.

08/26/2020 Pretrial Conference

Session:

08/26/2020 1:30 PM, Judicial Officer: Clem, Thomas L

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Wilkinson, Lynda

Plaintiff

Balance Due (as of 06/24/2020)

0.00**Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
06/11/2020	Transaction Assessment	157.00
06/11/2020	Electronic Payment	(157.00)

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STATE OF INDIANA)
) SS:
COUNTY OF MADISON)
)
LYNDA WILKINSON,)
)
)
Plaintiff,)
)
)
vs.)
)
WAL-MART STORES EAST, LP,)
)
)
Defendant.)
_____)

APPEARANCE

1. Lynda Wilkinson
Name of represented party

2. Attorney information (as applicable for service of process):

Name: Kellie C. Clark
HENSLEY LEGAL GROUP, PC
Address: 117 East Washington Street
Suite 200
Indianapolis, IN 46204

Atty Number: 30999-29
Phone: (317) 472-3333
FAX: (317) 472-3340
Email: kclark@hensleylegal.com

3. Case Type requested: CT

4. Will accept FAX service: Yes ___ No X



Kellie C. Clark, #30999-29
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 Phone
(317) 472-3340 Facsimile
kclark@hensleylegal.com

STATE OF INDIANA)
) SS:
 COUNTY OF MADISON)
 LYNDA WILKINSON,)
)
)
 Plaintiff)
)
 vs.)
)
 WAL-MART STORES EAST, LP,)
)
)
 Defendant.)
 _____)

COMPLAINT FOR DAMAGES

COMES now the Plaintiff, Lynda Wilkinson (“Plaintiff”), by counsel, and for her Complaint for Damages against the Defendant, Wal-Mart Stores East, LP, alleges and asserts that:

1. At all times mentioned herein, the Plaintiff, Lynda Wilkinson, was and is a resident of the City of New Castle, County of Henry, State of Indiana.
2. At all times mentioned herein, the Defendant, Wal-Mart Stores East, LP, (“Defendant”) was doing business in the State of Indiana and was maintaining a premises located at 2321 Charles Street, City of Anderson, County of Madison, State of Indiana.
3. All of the acts and/or omissions of the Defendant, Wal-Mart Stores East, LP, herein alleged, were performed and/or omitted by and through the agents, servants, and/or employees of the Defendant while they were acting within the scope and course of their employment.
4. On or about March 4, 2019, the Plaintiff was a guest and invitee of the Defendant at the above-referenced premises, when she was injured.

5. The Defendant was required to exercise reasonable and ordinary care under all circumstances and operation of its premises, including the above- referenced premises at which the Plaintiff was injured.

6. The above-mentioned incident was directly and proximately caused by the carelessness and negligence of the Defendant, including, but not limited to, one or more of the following acts and/or omissions:

- a. The Defendant carelessly and negligently failed to inspect and discover the dangerous condition existing at said location;
- b. The Defendant carelessly and negligently failed to warn the Plaintiff of the dangerous condition existing at said location when the Defendant knew or should have known of the same;
- c. The Defendant carelessly and negligently failed to provide premises reasonably safe under the existing conditions; and
- d. The Defendant carelessly and negligently failed to correct the dangerous condition at said location when the Defendant knew or should have known of the existence of the same.

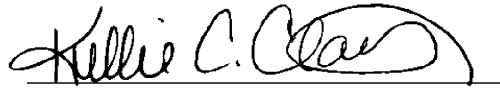
7. As a direct and proximate result of the Defendant's carelessness and negligence, the Plaintiff sustained personal injuries, resulting in pain and suffering.

8. As a result of her injuries and their effects, the Plaintiff, has been required to engage the services of hospitals, physicians, and medical technicians for medical treatment, medication and x-rays, and has incurred, and may incur in the future, medical expenses for such treatment.

9. As a result of her injuries, the Plaintiff has incurred reasonable medical expenses for medical care and treatment and may incur additional medical expenses in the future.

WHEREFORE, the Plaintiff, Lynda Wilkinson, prays for judgment against the Defendant, Wal-Mart Stores East, LP, in an amount commensurate with her injuries and damages, for the costs of this action, and for all other just and proper relief in the premises.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kellie C. Clark", written over a horizontal line.

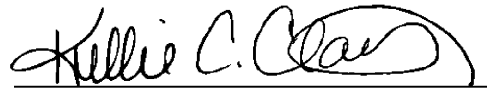
Kellie C. Clark, #30999-29
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 (Phone)
(317) 472-3340 (Facsimile)
kclark@hensleylegal.com

REQUEST FOR TRIAL BY JURY

Comes now the Plaintiff, Lynda Wilkinson, by counsel, and file herein her request for trial by jury for the above action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kellie C. Clark", written over a horizontal line.

Kellie C. Clark, #30999-29
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 E. Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333 (Phone)
(317) 472-3340 (Facsimile)
kclark@hensleylegal.com

STATE OF INDIANA)
) SS:
 COUNTY OF MADISON)

IN THE MADISON COUNTY COURT

LYNDA WILKINSON,)
) CAUSE NO:
 Plaintiff,)
)
 vs.)
)
 WAL-MART STORES EAST, LP,)
)
 Defendant.)

TO DEFENDANT: Wal-Mart Stores East, LP
 c/o CT Corporation System
 334 North Senate Avenue
 Indianapolis, IN 46204

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to the Complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your answer.

DATED: 6/11/2020 *Debra Pratt* DS (Seal)
 CLERK, Madison County Court

(The following manner of service of summons is hereby designated)

 Registered or certified mail.
 Service at place of employment, to wit:
 Service on individual - (Personal or copy) at above address.
X Service on agent. (Specify)
 Other Service. (Specify)

Kellie C. Clark, #30999-29
Attorney for Plaintiff
 117 E Washington St, Suite 200
 Indianapolis, IN. 46204
 (317)472-3333



CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 2020, I mailed a copy of the Complaint to the Defendant, Wal-Mart Stores East, LP by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.


Kellie C. Clark

Dated: _____

By: Kellie C. Clark

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant was accepted by the Defendant on the _____ day of _____, 20__.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint was not accepted on the _____ day of _____, 20__.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the Complaint mailed to Defendant, _____ was accepted by _____ on behalf of said Defendant on the _____ day of _____, 20__.

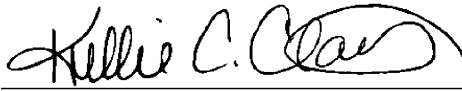
CLERK, Madison County Court

By: _____
Deputy

STATE OF INDIANA)	IN THE MADISON COUNTY COURT
) SS:	
COUNTY OF MADISON)	CAUSE NO: 48C05-2006-CT-000088
LYNDA WILKINSON,)
)
Plaintiff,)
v.)
)
WAL-MART STORES EAST, LP,)
)
Defendant.)
_____)

CERTIFICATE OF ISSUANCE OF SUMMONS

I certify that on Thursday, June 11, 2020 I mailed a copy of the summons and a copy of the complaint to the defendant, Wal-Mart Stores East, LP, c/o CT Corporation System 334 North Senate Avenue, Indianapolis, IN 46204 by certified mail #7019 1640 0000 1212 3182, requesting a return receipt to the Madison County Clerk's office.


Kellie Clark, Attorney # 30999-29
Attorney for Plaintiff

HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
(317) 472-3333
kclark@hensleylegal.com

IN THE MADISON COUNTY CIRCUIT COURT 5

STATE OF INDIANA

LYNDA WILKINSON,)	
)	
Plaintiff,)	
)	CAUSE NO.: 48C05-2006-CT-000088
v.)	
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	

E-FILING APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating ____ Responding X Intervening ____

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

WAL-MART STORES EAST, LP

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Lesley A. Pfleging	Attorney No. 26857-49A
Lynsey F. David	Attorney No. 32594-49
LEWIS WAGNER, LLP	Phone: (317) 237-0500
501 Indiana Avenue, Suite 200	Fax: (317) 630-2790
Indianapolis, IN 46202	lpfleging@lewiswagner.com
	ldavid@lewiswagner.com

IMPORTANT: Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) **acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney;** and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Courts Portal at <http://portal.courts.in.gov>.

3. There are other party members: Yes ____ No X (If yes, list on continuation page.)
4. *If first initiating party filing this case*, the Clerk is requested to assign the case the following Case Type under Administrative Rule 8(b)(3): N/A
5. This case involves support issues. Yes ____ No X (If yes, supply social security numbers for all family members on continuation page.)
6. There are related cases. Yes ____ No X (If yes, list on continuation page.)
7. This form has been served on all other parties. Certificate of Service is attached.
Yes X No ____
8. Additional information required by local rule: _____

LEWIS WAGNER, LLP

By: /s/Lynsey F. David
LESLEY A. PFLEGING, # 26857-49A
LYNSEY F. DAVID, #32594-49
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered:

Kellie C. Clark
HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
kclark@hensleylegal.com

By: /s/ Lynsey F. David
LYNSEY F. DAVID

LEWIS WAGNER, LLP
Suite 200
501 Indiana Avenue
Indianapolis, IN 46202
Telephone: 317-237-0500
Facsimile: 317-630-2790
lpfleging@lewiswagner.com
ldavid@lewiswagner.com

IN THE MADISON COUNTY CIRCUIT COURT 5

STATE OF INDIANA

LYNDA WILKINSON,)	
)	
Plaintiff,)	
)	CAUSE NO.: 48C05-2006-CT-000088
v.)	
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	

**DEFENDANT'S MOTION FOR ENLARGEMENT OF
TIME TO FILE RESPONSIVE PLEADING**

Defendant, WAL-MART STORES EAST, LP, by counsel, moves the Court for an enlargement of time of thirty (30) days in which to answer or otherwise respond to Plaintiff's Complaint for Damages, up to and including August 7, 2020 and in support thereof would show the Court as follows:

1. That a responsive pleading is due on or about July 8, 2020, and said time has not expired.
2. No prior enlargements of time have been requested.
3. Undersigned counsel has only recently been retained and said additional time is necessary to enable counsel to confer with their client to review the facts and prepare an appropriate response.

WHEREFORE, Defendant, WAL-MART STORES EAST, LP, by counsel, prays for an additional thirty (30) days in which to answer or otherwise respond to Plaintiff's Complaint for Damages, through and including August 7, 2020, and for all other just and proper relief in the premises.

LEWIS WAGNER, LLP

By: /s/Lynsey F. David
LESLEY A. PFLEGING, # 26857-49A
LYNSEY F. DAVID, #32594-49
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered:

Kellie C. Clark
HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
kclark@hensleylegal.com

By: /s/ Lynsey F. David
LYNSEY F. DAVID

LEWIS WAGNER, LLP
Suite 200
501 Indiana Avenue
Indianapolis, IN 46202
Telephone: 317-237-0500
Facsimile: 317-630-2790
lpfleging@lewiswagner.com
ldavid@lewiswagner.com

IN THE MADISON COUNTY CIRCUIT COURT 5

STATE OF INDIANA

LYNDA WILKINSON,)	
)	
Plaintiff,)	
)	CAUSE NO.: 48C05-2006-CT-000088
v.)	
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	

JURY DEMAND

Defendant, WAL-MART STORES EAST, LP, by counsel, respectfully requests that this cause of action be tried by a jury.

LEWIS WAGNER, LLP

By: /s/Lynsey F. David
LESLEY A. PFLEGING, # 26857-49A
LYNSEY F. DAVID, #32594-49
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2020, a copy of the foregoing was served on the following parties electronically by using the Court's IEFS System and U.S. Postal Service, pre-paid delivery for those parties not yet registered:

Kellie C. Clark
HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
kclark@hensleylegal.com

By: /s/ Lynsey F. David
LYNSEY F. DAVID

LEWIS WAGNER, LLP
Suite 200
501 Indiana Avenue
Indianapolis, IN 46202
Telephone: 317-237-0500
Facsimile: 317-630-2790
lpfleging@lewiswagner.com
ldavid@lewiswagner.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nal-Mart Stores East, LP
% CT Corporation System
334 North Senate Ave
Indianapolis, IN 46204



9590 9402 5356 9189 1358 16

2. Article Number (Transfer from service label)

7019 1640 0000 1212 3182

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

CIRCLED POST OFFICE STATION
JUN 15 2020

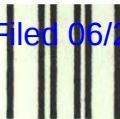
3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted Delivery☒ Return Receipt for Merchandise☐ Signature Confirmation™☐ Signature Confirmation Restricted Delivery

Mail Restricted Delivery (00)

USPS TRACKING #



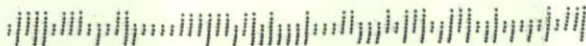
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5356 9189 1358 16

**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

Madison County Clerk
Madison County Government Center
16 E. 9th Street
Anderson, IN 46016
48C05-2006-CT-00088



IN THE MADISON COUNTY CIRCUIT COURT 5

STATE OF INDIANA

LYNDA WILKINSON,

Plaintiff,

v.

WAL-MART STORES EAST, LP,

Defendant.

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CAUSE NO.: 48C05-2006-CT-000088

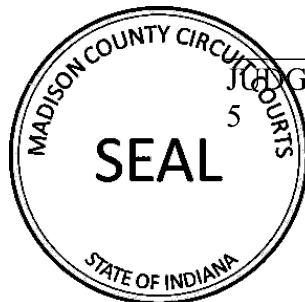
ORDER

Defendant, WAL-MART STORES EAST, LP, by counsel, files herein its Motion for Enlargement of Time in which to respond to Plaintiff's Complaint for Damages.

And the Court being duly advised, now grants said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant, WAL-MART STORES EAST, LP, is granted a period of time through and including August 7, 2020 in which to answer or otherwise respond to Plaintiff's Complaint for Damages.

Dated: June 19, 2020



SC

Thomas H. Clark

JUDGE, MADISON COUNTY CIRCUIT COURT

Distribution:

Lesley A. Pfleging
Lynsey F. David
LEWIS WAGNER, LLP
Suite 200
501 Indiana Avenue
Indianapolis, IN 46202

Kellie C. Clark
HENSLEY LEGAL GROUP, PC
117 East Washington Street, Suite 200
Indianapolis, IN 46204
kclark@hensleylegal.com